

APPEAL FROM ORDER No 450 of 1999
with
APPEAL FROM ORDER No 461 of 1999

Hon'ble MR.JUSTICE A.R.DAVE

[illegible][illegible]

Versus

INNOCENT J GOHEL

Appearance:

MR MB GANDHI for Petitioners

MR UNMESH D SHUKLA for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 22/09/1999

Admit. At the request of the learned advocates,
the appeals are finally heard today.

2. These two appeals pertain to election of Behrampura C.N.I. Pastorate and therefore both appeals are heard and decided together. At the time of hearing of these appeals, the learned advocates have agreed to a solution whereby disputes which have arisen in both the appeals are being amicably resolved. In view of the understanding arrived at amongst the parties, without going into the merits of the appeals, the following directions are being given.

3. A committee consisting of Messrs. R.M. Christie and D.M. Vasavada, retired Judges of the City Civil Court, Ahmedabad, shall function as Election Committee. The said committee shall perform all duties which are required to be performed by the election committee under the relevant rules and regulations. It would be open to the committee to have necessary assistance from persons of their choice (who need not be even members of the Pastorate). The learned advocates have assured this court that necessary assistance will be given to the committee so that the committee can hold election of the Pastorate Committee as soon as possible.

4. Till the duly elected Pastorate Committee resumes charge, the present arrangement of administration of the Pastorate shall continue.

5. C.N.I. Gujarat Diocesan Council shall bear the expenditure which might have to be incurred towards remuneration to be paid to the members of the Election Committee appointed by the court and other incidental expenses which the committee might have to incur. The committee shall be provided necessary funds by the Presbyter-in-charge of the C.N.I. Church, Behrampura and remuneration to be paid to the members of the committee shall be determined by the trial court after the election is concluded and the Pastorate Committee has assumed charge.

6. In view of the above directions the appeals are allowed and the impugned orders passed by the trial court are quashed and set aside. It is hoped that the committee shall try to hold the election as soon as possible and the parties to the litigation shall extend their full co-operation to the committee if the committee requires any help or assistance from any of the parties in the process of election.

7. The appeals are accordingly disposed of as allowed to the above extent with no order as to costs and with a liberty to apply in case of difficulties.

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